

U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

**NOTICE OF PROPOSED REVISION
TO LOCAL RULES**

Comment Period: October 1 through October 31, 2003

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October 14, 2003

JOHN A. O'NEAL, CLERK
U.S. BANKRUPTCY COURT

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S.D.Ind. B-1002-1

B-1002-1. Commencement of Case.

(a) Number of Copies. The number of copies of petitions, accompanying lists, schedules, and statements required by Fed.R.Bankr.P. 1007 to be filed in voluntary Chapter 7, 11, 12, and 13 cases is as follows:

- (1) In cases under Chapter 7, a signed original, plus three copies thereof;
- (2) In cases under Chapter 11, a signed original, plus six copies thereof;
- (3) In cases under Chapter 12, a signed original, plus ~~six~~ **three** copies thereof;
- (4) In cases under Chapter 13, a signed original, plus three copies thereof.

(b) Additional Requirements. In addition to complying with the Federal Rules of Bankruptcy Procedure and Official Forms, all petitions shall:

- (1) state the street address, including the full street number and zip code, of the debtor;
- (2) state the full name of the debtor and explain an initial not representing a name;
- (3) state the county of debtor's residence, domicile, or place of business;
- (4) state the debtor's social security number and any employer identification number; and
- (5) be verified as of a date not more than 30 days prior to the filing.

(c) Place of Filing. ~~Except as provided in S.D.Ind. B-5005-1(d), the original petition, and all other documents required by this Rule~~ **All petitions, schedules, statements, pleadings and other documents required by the Bankruptcy Court to commence a case shall be filed with the Bankruptcy Clerk for the division of the district where the principal place of business, domicile, residence or principal assets of the debtor have been located for such a period of time as required by 28 U.S.C. § 1408. All papers tendered for filing after the commencement of a case shall be filed with the office of the Bankruptcy Clerk in the division where the case is pending.**

(d) Emergency Filing; Minimum Required. Any voluntary petition filed without the schedules and statements required in Fed.R.Bankr.P. 1007 must be accompanied by the appropriate filing fee or application to pay filing fee in installments and include the petition, a Certificate of Emergency that conforms substantially with Local Bankruptcy Form LBF-1, and the List of Creditors (if **schedules list fifteen (15) or more than 30** creditors, a diskette is also required at the time of filing -- **see S.D.Ind. B-1007-1(b)**), and in a Chapter 11 case a list of the twenty largest unsecured creditors. Any request for an extension of time to file the other documents required by this Rule must comply with Fed.R.Bankr.P. 1007.

S.D.Ind. B-1006-1

B-1006-1. Payment of Filing Fee in Installments.

(a) Payment Schedule. Parties filing an application to pay fees in installments shall propose a payment plan in accordance with the following:

		<u>Due at Filing</u>	<u>One Month Later</u>	<u>Two Months Later</u>
1)	Chapter 7:	\$ 84.00*	\$ 75.00	\$ 50.00
2)	Chapter 11:	439.00*	400.00	
3)	Chapter 12:	114.00*	75.00	50.00
4)	Chapter 13:	79.00*	70.00	45.00

*Reflects fee increase effective 11/1/03.

(b) Payment Due Dates. Payments shall be due on the same day of the month as the date on which the petition was filed. If that date falls on a day that the court is closed, payment is due no later than the next business day.

(c) Application Form. The application must substantially conform to Official Form #3 and shall be signed by both the debtor(s) and attorney for debtor(s).

(d) Statement of Non-Payment. The application shall include a statement that the debtor(s) have not paid any money or transferred any property to the attorney for the debtor(s) or any other person for services in connection with this bankruptcy, nor will any such payment be made until the filing fee is paid in full.

S.D.Ind. B-1007-1

B-1007-1. Lists, Schedules, and Statements; Time Limits.

(a) Additional Requirements. In addition to complying with the Federal Rules of Bankruptcy Procedure and Official Forms, all schedules and statements shall:

- (1) state the market value of all property to the best of petitioner's knowledge;
- (2) contain a response to each request for information on the statement of affairs and the schedules, even if such response is "no," "none," or "not applicable";
- (3) specifically describe and itemize all property claimed as exempt, and state the statutory reference and section number of the statute under which such exemption is claimed; and
- (4) list the creditors on each schedule in alphabetical order, including the full mailing address and zip code for each listed creditor, or statement that the address is unknown.

(b) Diskette in Addition to the List of Creditors. If schedules list **fifteen (15) or more** ~~over thirty (30)~~ names, a diskette must accompany the list of creditors. If schedules list ~~thirty (30) names or less~~ **than fifteen (15) names**, a diskette is encouraged, but not required. On Chapter 11 cases, the diskette must include equity security holders, if applicable.

(c) Extensions of Time. The United States Trustee and any panel trustee appointed in a case are deemed to have no objection to any original request for extension of time within which to file schedules or related documents if that request seeks an extension of no more than 30 days after the date the petition is filed. The Bankruptcy Clerk need not send notice of any such request to the United States Trustee or any panel trustee.

(d) Dismissal. In any case where lists, schedules, and statements are not filed with the voluntary petition or within **fifteen (15) days** thereafter, the Court shall enter an Order of Dismissal unless a motion for extension of time has been filed prior to the expiration of the **fifteen (15) day** period.

S.D.Ind. B-1009-1

B-1009-1. Amendments of Voluntary Petitions, Lists, Schedules, and Statements of Financial Affairs.

(a) Form of Amendments. All amendments to voluntary petitions, schedules, lists, and statements of affairs shall comply with Fed.R.Bankr.P. 1009, S.D. Ind. B-1002-1 and B-1007-1, and shall be accompanied by the appropriate filing fee. Any amendment which adds a creditor shall state the date the debt was incurred. Each amendment shall also be verified and signed in the original and filed in the same number as the original petition and schedules. ~~No amendments by interlineation shall be permitted, and the entire page or pages which the amendment affects shall be redrafted, with the amendment highlighted or underlined.~~ Changes to schedules **must be highlighted or underlined and** may require amendment to the Summary of Property and Debts. An amendment which adds ~~over 30~~ **fifteen (15) or more** creditors shall be accompanied by a diskette listing the added creditors only.

(b) Service of Amendment on Added Creditors. The debtor(s) or attorney for debtor(s) shall serve a copy of the amendment and all documents previously issued to creditors, including the 341 meeting notice, the most recent plan or amended plan, and confirmation hearing notice, on any added creditor, the trustee, and the United States Trustee. The original amendment shall be filed with the Bankruptcy Clerk along with a detailed certificate of service listing names, addresses, and documents served.

(~~b~~c) Addition of Creditors. If an amendment adds creditors not previously scheduled and notice of the Section 341 meeting has already been issued, the Bankruptcy Clerk shall issue a notice of the amendment, which sets forth the date, time and place of the Section 341 meeting, regardless of whether such date has passed, sets forth any deadlines for added creditors to file objections to discharge and/or complaints to determine nondischargeability, and informs the added creditors whether there is a need to file claims, and if so, any deadline given for filing claims. If there is insufficient time to give the added creditors adequate notice of the Section 341 meeting, or if the Section 341 meeting has already occurred, the notice shall also advise the added creditors of the opportunity to reconvene the Section 341 meeting to permit examination upon written motion of an added creditor. Copies of the notice shall be mailed to added creditors, the debtor(s), attorneys of record, any trustee, and the United States Trustee.

S.D.Ind. B-1019-1

B-1019-1. Conversion of Chapter 11, Chapter 12, or Chapter 13 Case to Chapter 7 Case.

(a) Schedule of Post-Petition Debts. The schedule of post-petition debts required by Fed.R.Bankr.P. 1019 shall comply with the requirements of S.D.Ind. B-1007-1(a) and (b). The debtor(s) or attorney for debtor(s) shall serve a copy of the schedule on added post-petition creditors, the trustee, and the United States Trustee along with a copy of the 341 meeting notice, if issued in the converted case. A detailed certificate of service listing names, addresses, and documents served shall accompany the schedule of post-petition debts.

(b) No Delay of First Meeting. Failure of the trustee, the former debtor-in-possession, or the debtor to comply with Fed.R.Bankr.P. 1019 shall not delay the scheduling of the Section 341 meeting for the Chapter 7 case.

S.D.Ind. B-3015-1

B-3015-1. Filing of ~~Chapter 12~~ **Chapter 13 Plan. ~~in Chapter 12 Family Farmer's Debt Adjustment and Chapter 13 Individual's Debt Adjustment Cases.~~**

~~The debtor shall furnish a sufficient number of copies of the plan or a summary of the plan and of any amendment or modification of the plan to enable the Bankruptcy Clerk to include a copy thereof with each notice pursuant to Fed.R.Bankr.P. 3015(d).~~

(a) Form of Plan. Chapter 13 Plans shall use the Model Plan form approved by the Court. The Model Plan is available at <http://www.insb.uscourts.gov/Chapter13.asp>.

(b) Extension of Time to File Plan. Motions to extend the time to file a Chapter 13 Plan must be in writing and must be filed within fifteen (15) days after the commencement of the case.

(c) Granting of Motion to Extend Time to File Plan. If the Court grants the debtor's motion to extend time to file a Chapter 13 plan, the debtor shall forthwith notify the trustee

(d) Distribution of Plan. The debtor, if pro se, or debtor's attorney shall mail or personally serve the trustee with a file-marked copy of the plan immediately upon filing. The plan shall be distributed by the trustee to all creditors and the U.S. Trustee within three (3) days after receipt.

(e) Certificate of Service. No later than ten (10) days after the filing date, the trustee shall file a certificate of service accompanied by a copy of the plan and a list showing service to all scheduled creditors, the trustee and the U.S. Trustee, including names and addresses of each person served.

S.D.Ind. B-3015-2

B-3015-2. Amendments to Chapter 13 Plan.

(a) Form of Amended Plan. Any amended plan shall use the Model Plan form approved by the Court. The Model Plan is available at <http://www.insb.uscourts.gov/Chapter13.asp>.

(b) Notice of Amended Plan. The debtor, if pro se, or the debtor's attorney shall prepare the Notice of Amended Plan which is available at <http://www.insb.uscourts.gov/plannotice.htm>.

(c) Distribution of Plan and Notice. The debtor, if pro se, or debtor's attorney shall mail or personally serve the trustee with the Notice of Amended Plan and a file-marked copy of the plan immediately upon filing. The plan and notice shall be distributed by the trustee to all creditors and the U.S. Trustee within three (3) days after receipt.

(d) Notice with Certificate of Service. The trustee shall have ten (10) days to file the notice with certificate of service as required by S.D.Ind. B-3015-1(e).

S.D.Ind. B-4003-2

B-4003-2. Lien Avoidance Motions.

(a) Requirements. Any debtor or trustee seeking to avoid a lien by motion must file a separate motion to avoid a lien as to each alleged lien holder. A motion to avoid a judicial lien must include the cause number and the court where the judgment was entered and list the commonly-known address to which the lien is attached.

(b) Filing and Service. The debtor shall serve and file the motion and notice of motion setting deadline for objections on the lien holder(s) and all other parties in interest. The notice shall allow a twenty (20) day objection period from the date of service of the notice. Sample notice available at <http://www.insb.uscourts.gov/copynotice.htm>.

(c) Certificate of Service. A certificate of service must accompany the motion and notice listing names and addresses of each entity served and the date of service.

S.D.Ind. B-5005-1

B-5005-1. Filing of Papers.

(a) Filing by Facsimile: If specifically authorized by the presiding Bankruptcy Judge, except as further restricted below, the Bankruptcy Clerk is authorized to file papers received by facsimile transmission:

- (1) Date of filing: Filings by facsimile received in the Clerk's Office during regular business hours shall be filed as of the date of receipt of the transmission. Filings by facsimile received after the close of business or on a Saturday, Sunday or legal holiday shall be filed on the next date that the Clerk's Office is open, unless a different filing date is authorized by the Court.
- (2) Originally signed papers: Parties filing documents by facsimile transmission must tender the originally signed papers to the Bankruptcy Clerk within seven (7) days following the transmission. **Originally signed documents must state "submitted by facsimile dated ____" on front page of the document.** If original papers are not tendered within the required time, the Court may strike the filing without further notice or hearing.
- (3) Prohibited documents: No documents for which a filing fee is required may be filed by facsimile transmission. Such documents include but are not limited to petitions for relief, adversary proceedings, motions to withdraw the reference, motions for relief from stay, motions to reopen, motions to deconsolidate joint cases, motions to abandon property, and notices of appeal. Amendments to petitions and schedules will not be accepted by facsimile transmission. Exhibits will be accepted for filing **only with originally signed documents.**
- (4) Page limit: No more than 20 pages will be accepted by facsimile transmission, unless authorized by the Bankruptcy Judge.

(b) Return of Copies. Any person who files a pleading or paper, including a claim, by mail and wishes to receive a file-marked copy by return mail must include with the paper or pleading a self-addressed, stamped envelope, and sufficient copies of the pleading or paper therefor.

(c) Service on United States Trustee. An attorney who certifies in writing that

a paper has been duly served on the United States Trustee, or that an additional copy of a writing or paper has been provided to the Bankruptcy Clerk for transmittal to the United States Trustee, shall be deemed to have verified for the purposes of Fed.R.Bankr.P. 5005(b) that the paper was transmitted.

~~(d) Filing in Another Division. In the case of an emergency, a paper or pleading may be delivered to the Bankruptcy Clerk located in another division, accompanied by a completed Certificate of Emergency that conforms substantially with Local Bankruptcy Form LBF-1. The Bankruptcy Clerk shall promptly filemark all pleadings and papers upon receipt. The date of filing shall be the earliest date that the Bankruptcy Clerk actually receives and file marks any pleading or paper at any office of the Bankruptcy Clerk in accordance with this rule.~~

S.D.Ind. B-6007-1

B-6007-1. Abandonment of Property.

(a) Abandonment combined with Notice of Possible Assets. In chapter 7 cases where the trustee has filed a notice of possible assets and proposed abandonment, the Clerk shall give notice to all creditors and parties of interest of the exceptions to abandonment listed by the trustee.

(b) Trustee's Notice of Abandonment. In chapter 7 cases, if the notice of abandonment of property is filed more than one day after the notice of possible assets, the trustee shall serve and file the notice on all creditors and other parties in interest in accordance with S.D.Ind. B-2002-1(a). The notice shall give a fifteen (15) day objection period from the date of service of the notice. A certificate of service must accompany the notice listing names and addresses of each entity served and the date of service.

(c) Motion to Abandon filed by Party in Interest. For chapter 7 cases the moving party shall serve and file the motion on the debtor(s) and parties in interest. The notice shall be filed and served on the debtor(s), parties in interest and all creditors. The notice shall allow a fifteen (15) day objection period from the date of service of the notice. A certificate of service must accompany the notice listing names and addresses of each entity served and the date of service.

S.D.Ind. B-6008-1

B-6008-1. Redemption of Property.

(a) Filing and Service. The debtor shall serve and file the motion and notice of motion setting deadline for objections on the lien holder(s) and all other parties in interest. The notice shall allow a twenty (20) day objection period from the date of service of the notice. Sample notice available at <http://www.insb.uscourts.gov/copynotice.htm>.

(b) Certificate of Service. A certificate of service must accompany the motion and notice listing names and addresses of each entity served and the date of service.